

rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Dickinson, Duggan, Erath, Gentry, Guinn, Harman, Hart, Herbert, Parsons, Pascal, Pitts, Potter, Rainey, Scarborough, Schleicher, Shepard, Sims Stockdale, Throckmorton, Townes, Walker and Whaley—24.

NAYS—none.

A bill for the relief of Lucretia Franklin. Read 2nd time and passed to a 3rd reading, rule suspended, read 3rd time and passed.

A bill for the protection of the Alabama Indians. Read 2nd time, amendments of committee on Indian Affairs, were adopted.

Mr. Guinn moved to amend by striking out \$400 and inserting \$200. Lost.

Mr. Guinn then moved the indefinite postponement of the bill. Lost.

The bill was then passed to a 3rd reading, rule suspended, on motion of Mr. Pitts, bill read 3rd time and passed.

A bill to revive and continue in force an act to incorporate the Jefferson Railroad Company. Read and passed to a 3rd reading rule suspended, on motion, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Dickinson, Duggan, Erath, Gentry, Guinn, Hart, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Whaley—22.

NAYS—Mr. Harman—1.

Mr. Hart moved to take up a bill to repeal the 20th section of an act to incorporate the Memphis, El Paso and Pacific Railroad Company. Lost.

On motion the Senate adjourned until 10 o'clock, A. M., tomorrow.

THURSDAY, February 9th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Herbert, chairman of the committee on Roads, Bridges and Ferries, to whom was referred a bill to incorporate the Indian-ola and Goliad Ferry and Bridge Company, reported the bill for the consideration of the Senate.

Mr. Potter, chairman of the committee on the Judiciary, to

whom was referred the petition of Gen'l Leslie Combs, claiming that there is a balance due him on account of his claim against the Republic of Texas, returned the same to the Senate and reported that the committee do not find anything due the petitioner and recommended the rejection of the petition.

Mr. Potter presented the petition of James P. Nash and others, in relation to landlord and tenant. Referred to the committee on the Judiciary.

Mr. Paschal, chairman of the committee on Internal Improvements, to whom was referred a House bill for the relief of the Buffalo Bayou Railroad Company, and their assignees, reported the bill to the Senate and recommended the adoption of the following amendment, and the passage of the bill.

Strike out from the word "State" in 6th line from bottom, and insert as follows: "where the same were not located in the time prescribed by law, and that this act take effect from its passage."

On motion of Mr. Gentry, the rule was suspended, and the bill taken up, bill read 2nd time, amendment adopted, and passed to a 3rd reading. Rule further suspended, bill read 3rd time and passed by the following vote:

YEAS—Messrs. Blanch, Chambers, Dickinson, Duggan, Fall, Gentry, Grimes, Guinn, Harman, Herbert, Paschal, Potter, Scarborough, Stockdale, Throckmorton, Townes and Whaley—17.

NAYS—Messrs. Hart, Hyde, Rains, Rainey, Sims and Walker—5.

Mr. Hart, chairman of the committee of conference, on the part of the Senate, made the following report:

A majority of the committee on the part of the Senate, "with a like committee on part of the House," appointed to consider a bill for the pay of Capt. Millett, and others, for the arrest of John T. Shanks, have met and performed that duty, and report that they could not agree with the committee on the part of the House. They therefore recommend the Senate to adhere to her amendments. The committee find the following to be the facts of the case: "that Capt. Millett was a clerk in the General Land Office, and drawing pay at the rate of \$900 per annum, that he was sent to arrest John T. Shanks, that he was absent 16 days on said service; that he expended \$154. The Senate's amendment proposes to pay all his expenses, and to pay him \$46 extra of the pay he was receiving as clerk in the General Land Office, this would be allowing him pay at the rate of \$5 33 per day and pay his expenses, which the committee believe to be

sufficient, but according to the House bill, it would allow him at the rate of over \$24 per day, "besides paying his expenses" which would amount to a salary of \$8789 per annum. We do not believe that justice or patriotism demands this departure from the simple economy of our republican government.

MARTIN D. HART.

R. H. GUINN.

Mr. Guinn, chairman of a select committee, to whom was referred a memorial of certain citizens of Cherokee county, and also a bill on the subject of the passage of a sabbath law, would report that in consequence of press of business, and further, knowing that the House had a bill under consideration on the same subject, have not done anything on that important subject, they would just say that it is the opinion of the committee, that the legislature ought to pass a law on that subject, but it is impossible to do it, at this late date of the session. They therefore return the papers and ask to be discharged from further consideration of the same.

Mr. Scarborough, chairman of the committee on Printing and Contingent Expenses, reported that at an early day of the session, the committee was instructed by resolution, to arrange with the Post Master, for the pre-paying of such printed matter as might be sent from the Senate. The committee in discharging this duty, omitted to fix the compensation, and for which the accompanying account has been sent in, which the committee herewith submit for the consideration of the Senate.

On motion of Mr. Scarborough, the report was taken up, and the account ordered to be paid.

A message was received that the House had passed the following bills:

A bill for the relief of Jose Leonardo de la Garza Trudo, with an amendment.

A bill for the relief of Andreas Manchaca, with an amendment.

A bill for the relief of the heirs of Andrew J. Ford, deceased.

A bill to validate unconditional certificate for three hundred and twenty acres of land, No. 576, issued on the 4th February, 1856, to S. Panghorn assignee of C. L. Wood.

A bill for the relief of Benjamin Baccus.

A bill to incorporate Clifton Academy, in the county of Bosque.

A bill for the relief of the heirs of Joseph C. Gentry, deceased.

A bill to consolidate into one institution, the Waco Female

Seminary, and the Waco Female Academy, to be called the Waco Female College, and incorporate the same.

A bill to authorize and require the commissioner of the General Land Office, to patent the surveys made by virtue of certain Peter's colony augmentation certificates.

And the House concurs in the Senate's amendments to the following House bills :

A bill to incorporate the Metropolitan Railroad Company.

A bill for the protection of the Alabama Indians.

A bill to incorporate the Lexington Male and Female Academy.

And a bill to incorporate the Alamo Fire Association.

Mr. Dickinson, from the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, reported the following bills correctly enrolled, duly signed and were this day presented to the Governor :

A bill to incorporate the Texas Telegraph Company.

A bill to authorize the county court of Comal county to levy a special tax.

A bill to incorporate the Sulphur and White Oak Bridge and Plank Road Company.

A bill to incorporate the Palestine Tap Railway Company.

A bill to incorporate the Clarksville and Red River Insurance Company.

A bill to amend the first section of an act to amend the caption, and the first and sixteenth sections of an act to incorporate the Texas Western Railroad Company, approved February 16th, 1852.

A bill to incorporate the Firemen's Relief Fund Association.

A bill for the relief of James C. Dillingham.

A bill for the relief of Nancy Robinson.

A bill to fix the salary of accountant in the Comptroller's Office.

A bill supplementary to and amendatory of an act to adopt and establish a Penal Code for the State of Texas.

A bill for the relief of Richard N. Williams.

A bill to amend the 24th section of an act passed 27th day of August, 1856, entitled an act to consolidate in one act, and to amend the several acts incorporating the city of Galveston.

A bill to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers.

A bill to incorporate Cedar Grove Male and Female Institute in Kaufman county.

A bill for the relief of Daniel Hopkins.

A bill for the relief of William Drake.

A bill authorizing certain counties to levy and collect an additional tax for the purpose of erecting county buildings.

A bill for the relief of Sarah Miles.

A bill for the relief of Thomas J. Smith, of Fort Bend county, one of the survivors of Col. J. W. Fannin's command.

A bill to prevent the sale of vinous, spirituous or other intoxicating liquors, within one mile of the towns of Veals Station of Parker county, and Mt. Enterprize in Rusk county.

Mr. Stockdale, from the committee on State Affairs, made the following report :

TO THE HON. EDWARD CLARK,

*President of the Senate :*

The committee on State Affairs, to whom was referred the Message of the Governor, transmitting the resolutions of the General Assembly of the State of South Carolina, relating to Federal affairs, and several resolutions touching the same subject, and also to print 2500 copies of said Message, have duly considered the subject, and a majority of the committee instruct me to report the accompanying resolutions entitled "Joint Resolutions concerning Federal Relations," and to recommend the adoption thereof.

The committee unanimously agreed as to the determination of this State to preserve, adhere to and defend the Union with the Constitution, but differed as to the mode in which this was to be done, and as to abstract political opinions and the resolutions which the Legislature should adopt.

The majority of the committee also instruct me to report the accompanying substitute for the resolution to print the Message.

Respectfully submitted,

F. S. STOCKDALE,

One of the committee.

### JOINT RESOLUTIONS CONCERNING FEDERAL RELATIONS.

1st. *Be it Resolved by the Legislature of the State of Texas,* That giving to the resolutions of the General Assembly of the State of South Carolina, touching Federal Relations, communicated by order of that Assembly, to this State, the respectful and earnest consideration, which a communication from one Sovereignty to another demands ; and giving a like respectful consideration to the views of the Governor of this State, ex-

pressed in his message, transmitting to this body said resolutions. And further considering, solemnly, and with a view to our responsibility, under the State and Federal Constitutions, and to the people from whom we derive power, the general subject thus presented to us, involving results so momentous to this confederacy, and to each of its sovereign members, this Legislature unequivocally declares :

That the system of government, instituted by our State and Federal Constitutions, is the wisest in its principles ever devised by man,—and in its organism the most efficient for the attainment of the objects of its creation—for the establishment of, and giving security to political liberty, and the protection of persons and property :

That it is our firm resolution to maintain and defend the Constitution of the United States, which is the cement of the Union, as well in its limitations and reservations as in its authorities and powers ; and

To support the Constitution of this State, and to require that the rights, authorities and powers, existing in, and reserved to this State and the people thereof, be respected, they being equally incorporated with, and essential to the success of the general system, and the surest bulwark against anti-republican tendencies ; and

That consistently with the foregoing, it is our fixed determination, to adhere to, and support the Union of these confederated States, and to defend the same from all aggressions.

2. Regarding the Union, upon the principles of the constitution, as an unmixed blessing, and its preservation, upon those principles, as the highest duty of the States and the people thereof, we deem it our duty further to declare :

That the Statutes of several of the non-slaveholding States, nullifying the fugitive slave laws, or designed through State functionaries to defeat the execution of said laws, and to punish Federal officers attempting to execute the same ; and

The purpose of the dominant political party in the non-slaveholding States, called the Black Republican party, to use, if it can get possession of the Federal Government, all the powers of that government (with the view that party has of the extent of those powers,) for the extermination of African Slavery in the States, by

Re-organizing the Supreme Court of the United States, so as to secure a Judiciary representing sectional and political opinions :

By prohibiting in the form of acts of Congress, slavery in the Territories and other places of Federal Jurisdiction :

By refusing to admit any new State, in the Constitution of which, the institution of slavery is recognised :

By refusing to exercise such powers as are constitutionally delegated to the Federal Government, where it has the jurisdiction, for the *protection of all property*, recognised as such by the constitution and in the judgments of the Federal courts :

By creating new States, so as to get the requisite number to change the constitution, in order to authorize the Federal Government to exert plenary power over the institutions of the slaveholding States, and by other modes : and

The invasion of one of the slave-holding States, by citizens of the non-slaveholding States, for the purpose of arming the servile race and leading them into rebellion against their masters and against the State ; are all in violation of the spirit and principles of the constitution, dangerous to the Union, and at war with those institutions, which, at all hazards, it is our duty to defend.

3. Seeing, as we cannot avoid seeing, there is imminent danger, that the said Black Republican party will get possession of all the departments of the Federal Government, and exercise all the powers of the same, and others not delegated, for the effectuation of the unconstitutional purposes before named ; and believing that such an event would result in the destruction of all the barriers between the States, and an arbitrary, consolidated government of an irresponsible section ; we solemnly appeal to the people of the other States, to prove by their political action, in the ensuing State and Federal elections, their devotion to the constitution and the Union, and to the sovereignty and equality of States, and do not make the appeal without the hope of a patriotic answer : but,

In case our appeal is disregarded, and in view of the possibility of such an event, we earnestly commend the whole subject of our present and probable exigences to the profound consideration of the people of this State, the sovereignty of Texas, that they may devise the ways and means of maintaining, unimpaired, the authorities, rights and liberties reserved to and existing in the States respectively and of the people the same.

4. That the Governor communicate these resolutions to each of the States of this confederacy, and to our members in both houses of Congress.

*Resolved*, That one thousand copies of the Governor's message transmitting the South Carolina Resolutions, be printed in pam-

phlet form, for the use of the Senate. Adopted.

Mr. Stockdale moved to print in connection with the Governor's message, the report and joint resolutions of the majority.

Mr. Hart moved to amend by printing the report and resolutions of the minority yet to be made. Adopted.

The motion of Mr. Stockdale, was then adopted.

Mr. Stockdale moved to make the subject the special order for to-morrow, 3 1-2 o'clock.

Mr. Throckmorton moved Saturday, 3 o'clock. Carried.

Mr. Gentry offered the following resolution :

*Resolved*, That Wm. Carleton receive for his services in reporting debates at this session the sum of \$300 to be paid out of the contingent fund of the Senate.

*Resolved*, That — copies of the debates of the Senate be printed and distributed with the laws and journals, and that one copy be furnished each Senator. Rejected.

Mr. Rainey, chairman of the committee on Agriculture, made the following report :

The committee on Agriculture, have considered the bill donating lands to agricultural societies and without hesitation, instruct me to report the same to the Senate with an amendment, and recommend its passage. The committee believe that the rapid advancement of Texas, in all the elements of prosperity, depends in a great degree upon the early development of her agricultural resources, and that the establishment of societies of this character will largely contribute to the speedy consummation of this most desirable object.

Mr. Fall, chairman of the committee on Engrossed Bills, reported a bill in relation to mineral lands and salt licks, and salt springs, held in reservation by the State.

A bill to encourage the construction of canals by donations of land. Correctly engrossed.

Mr. Potter, chairman of the committee on the Judiciary, reported a bill to authorize the county of Nueces to levy a special tax, to the Senate for its consideration.

On motion of Mr. Britton, the bill was taken up, read and passed to a 3rd reading. Rule suspended, read 3rd time and passed.

Mr. Whaley introduced a bill to restore George W. Bates to his civil rights. Read 1st time, rule suspended, read 2nd time and ordered to be engrossed. Rule suspended, read 3rd time and passed.

A message was received from the House, that they had passed



Senate's bill to incorporate the Corpus Christi Bay and Brazos St. Iago Canal Company.

Mr. Guinn withdrew the appeal made by him from the President's decision last night, on a bill relative to the appointment of commissioners of deeds, &c., &c.

A bill for the relief of certain persons therein named, in the counties of Nueces and Starr. Read 2nd time and ordered to be engrossed by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Gentry, Grimes, Hyde, Paschal, Potter, Scarborough, Shepard, Stockdale Throckmorton and Townes—14.

NAYS—Messrs. Dickinson, Duggan, Fall, Guinn, Harman, Hart, Parsons, Rains, Rainey, Sims and Walker—11.

Mr. Scarborough moved to suspend the rule, the yeas and nays being called the question was lost by the following vote :

YEAS—Messrs. Blanch, Britton, Fall, Gentry, Hyde, Parsons, Paschal, Potter, Rainey, Scarborough, Shepard, Stockdale, Throckmorton, Townes and Whaley—15.

NAYS—Messrs. Chambers, Dickinson, Duggan, Grimes, Guinn, Hart and Sims—7.

A bill making appropriations for the support of the government for the years 1860 and 1861. Read 2nd time.

Mr. Grimes moved that the Senate substitute the House bill. Carried.

Mr. Grimes then moved to strike out all of the bill in regard to miscellaneous provisions.

Mr. Throckmorton moved to refer the bill to the committee on Finance, with instructions to report this evening. Carried.

On motion of Mr. Potter, Mr. Throckmorton, and on motion of Mr. Guinn, Mr. Potter was added to the committee on Finance.

A bill to amend the 4th, 8th, 15th and 18th sections of an act to provide for the assessment and collection of taxes. Read 2nd time.

Mr. Hart moved to strike out proviso to 3rd section. Carried.

Mr. Guinn offered the following amendment :

Provided the county court shall have the power to revise the assessors lists, and in all cases where they find the property is assessed too low, they shall assess it at its proper value, and further provided, that the county courts shall not give any assessor any certificate to the proper department until they are fully satisfied that the assessment is correct and at proper value.

Mr. Hart offered, "and further provided, that this provision shall only extend to property within the county,"—accepted by Mr. Guinn.

Mr. Throckmorton offered the following as a substitute :

"It shall be the duty of each county court in the State, to revise the roll of their respective assessors and collectors, and when the assessment upon any property is at a lower rate in the opinion of the court than is the true value of such property, the court shall have the power to correct such assessment, provided such property is situate in the county where such revision is made and shall not give a certificate to the assessor and collector until such correction is made." Adopted.

The amendment was then adopted.

Mr. Schleicher offered the following amendment :

In section 5, after the word "sold" in the last line, insert "also double the amount of taxes paid on such property by such purchaser under any assessment of taxes made subsequently to such purchase." Adopted.

The bill was then passed to a 3rd reading. On motion the rule was suspended, bill read 3rd time and passed.

A bill to provide for the sale of the reservations of land for Indian purposes. Read 2nd time amendments of the committee on the Judiciary were adopted, and bill ordered to be engrossed. The rule was suspended, bill read 3rd time and passed.

A bill for the relief of persons hereinafter named.

Mr. Townes moved to lay the motion made by him last night to reconsider all the amendments adopted on yesterday on the table, whereupon Mr. Guinn moved a call of the Senate, which was sustained:

Mr. Throckmorton moved to suspend the call. Lost.

A bill regulating the fees of the General Land Office. Read 2nd time.

Mr. Pitts offered the following amendment :

For examination of each claim, 10 cents ; for each sketch 25 square inches or less, 50 cents ; for each sketch over 25 square inches and less than 100 square inches, \$1.50 ; for each sketch over 100 square inches and less than 400 square inches, \$4.00 ; for each over 400 square inches and less than 1000 square inches, \$8.00: Provided that if a Photographic Bureau be established in the office, the Commissioner may reduce the above rates for mapping. Lost.

The bill was then ordered to be engrossed. Rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Duggan, Fall, Gentry, Grimes, Guinn, Herbert, Hyde, Parsons, Paschal, Potter, Rains, Scarborough, Schleicher, Shepard, Sims, Throckmorton, Townes and Whaley—21.

NAYS—Messrs. Harman, Hart, Pitts, Ruiney and Walker—5.

A bill to authorize the Commissioner of the General Land Office, to introduce the DeRyee method of printing and multiplying maps and drawings &c., or to establish a Photographic Bureau. Read 2nd time and passed to a 3rd reading. Rule suspended, read 3rd time and passed.

On motion the Senate adjourned until 3 1-2 o'clock, P. M.

3 1-2 O'CLOCK, P. M.

Senate met pursuant to adjournment—roll called—quorum present.

A bill to encourage the citizens of El Paso county, to irrigate the Rio Grande valley.

On motion of Mr. Hyde, was taken up, read 2nd time and passed to a 3rd reading. Rule suspended, read 3rd time and passed.

Mr. Hyde offered the following resolution :

*Resolved*, That the two porters employed by virtue of a resolution of the Senate, be entitled to one dollar and a half each per day for their services, to be paid out of the contingent fund upon the order of the secretary. Adopted.

On motion of Mr. Schleicher, a bill attaching certain unorganized counties to organized counties therein named for judicial purposes was taken up. Read 2nd time.

Mr. Schleicher offered the following amendments :

#### AMENDMENTS.

Sec. 7. The counties of McCulloch and Concho shall be attached to the county of San Saba, and when the county of McCulloch shall be organized, then the county of Concho shall be attached to the county of McCulloch.

Sec. 8. The county of Menard to the county of Mason.

Sec. 9. The county of Kimble to the county of Gillespie.

Sec. 10. The county of Edwards to the county of Bandera.

Sec. 11. The counties of Dawson, Kinney and Zavala to the county of Uvalde, and when Zavala shall be organized then the county of McKinney shall be attached to Zavala county.

Sec. 12. The county of Frio to the county of Atascosa.

Sec. 13. The county of McCulloch to the county of Live Oak.

Sec. 14. The county of Duval, Encinal and La Salle to the county of Nueces, and when the county of Duval is organized the counties of Encinal and La Salle shall belong to the county of Duval.

Sec. 15. The county of Dimmit to the county of Webb.—  
Adopted.

Mr. Hart moved to amend by adding the following :

Sec. 8. That the assessor and collector of any organized county to which any unorganized county or counties are attached for judicial purposes are hereby authorized and required to assess and collect the taxes for the State and counties from all persons and on all property subject to taxation living in any of said unorganized counties, the same as if they were citizens of said organized counties. Adopted, and bill as amended passed to a 3rd reading. Rule suspended, read 3rd time and passed.

A bill for the relief of Peter B. Norton, on motion of Mr. Townes, was taken up read 3rd time and passed.

The report of the committee on Printing and Contingent Expenses, recommending the claim of W. T. Toman for \$8,00 as a witness before the committee investigating the memorial of Marshall and Oldham, and rejecting the claim of W. J. Morton, was taken up and adopted.

A bill to prevent judgment becoming dormant with the report of the committee on the Judiciary recommending amendments thereto, was on motion of Mr. Potter taken up, read amendments adopted and bill passed to a 3rd reading. Rule suspended, read 3rd time and passed.

A bill to incorporate the Casino Association of La Grange.

On motion of Mr. Hyde, taken up. Read and passed to a 3rd reading, rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Grimes, Guinn, Harman, Hart, Hyde, Parsons, Pitts, Potter, Rains, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton and Walker—22.

NAYS—none.

A bill to incorporate the Yegua Bridge and Turnpike Company. Read 1st time.

On motion of Mr. Shepard, read 2nd time and passed to a 3rd reading. Rule further suspended, read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Guinn, Harman, Hart, Hyde, Parsons, Pitts, Potter, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton and Walker—22.

NAYS—none.

A message was received that the House had passed :

A bill to authorize and provide for the sale of the public domain of the State of Texas.

And a bill for the relief of Malcom D. Stewart.

Mr. Townes, from the committee on State Affairs, made the following report :

The undersigned, a minority of the committee on State Affairs, to whom was referred a message of the Governor communicating the letter of the Governor of the State of South Carolina, and the resolutions of the General Assembly of that State on Federal relations after maturely considering the same, beg leave to submit the accompanying resolutions, and recommend their passage as the response of the Legislature of Texas, to the joint resolutions of South Carolina.

E. D. TOWNES.

I. A. PASCHAL.

A. M. GENTRY.

#### JOINT RESOLUTIONS.

In response to the resolutions of the State of South Carolina in relation to Federal relations.

WHEREAS, the Executive of this State has communicated to the Legislature the preamble and resolutions of the State of South Carolina, in which she affirms her right to secede from the Confederacy, whenever the occasion should arise justifying her, in her judgment, in taking that step ; and that she has heretofore forbore the immediate exercise of that right from considerations of expediency only ; and still deferring to her southern sisters, announces to them that it is her deliberate judgment that the slaveholding States should immediately meet together to concert measures for united action ; and that her preamble and resolutions should be communicated by her Governor to all the slaveholding states, with her earnest request that they should appoint deputies and adopt such measures as, in their judgement would promote said meeting ; and,

Whereas, it is proper and respectful that the State of Texas should respond to this communication from her sister State, therefore,

1st. *Be it resolved by the Legislature of the State of Texas,* That this State does not admit the Constitutional right of a State to secede from the confederacy whenever an occasion should arise, justifying her, in her opinion, in taking that step ; but holds that secession is a "revolutionary act," which can only be justified by dangerous and oppressive infractions of the Constitution by the General Government, or its failure to protect es-

essential rights reserved to the States respectively, and to the people.

2nd. That nothing has, as yet, been done by the General Government, in its Legislative, Executive or Judicial Department, which would justify this revolutionary act on the part of the slaveholding States, and Texas, therefore, holds the resolutions of South Carolina premature and unnecessary, and declines to appoint deputies to a meeting of the slaveholding States.

3rd. That since Texas became a member of the confederation, the people of no State have manifested a warmer devotion to the Union, but their past history demonstrates that they are no less devoted to constitutional liberty and constitutional rights, and esteem these paramount to the mere forms of constitutional compact. The people of Texas would, therefore, solemnly warn their Northern brethren against the mad fanaticism of the Abolitionists and Black Republicans, who are waging war upon the institutions of the South. Whenever an assault is made upon slavery, whether it be by a band of fanatics, or by those wielding the powers of the Federal Government, Texas will resist such aggression by every means in her power. Whenever the Federal Government shall become powerless to protect the rights of the States, within or without their respective limits, by reason of the fanaticism of the people of any State, or of the corruption or ineffectuality of the government itself, it will have ceased to answer the purpose for which it was instituted, and the Union will be no longer worth maintaining, but prove a curse rather than a blessing. The people of Texas thus emphatically define their position in regard to the great question of slavery now agitating the country. They will assert no useless theories, they will make no idle threats; but when the time for action comes, the sons of Texas will again raise the revolutionary standard, as in the struggle of 1835 and 1836, when the Mexican confederation becomes the corrupt representatives of the mere forms of constitutional liberty. In such a contest they will act with those who oppose a common danger; and will hold aggression upon the rights of any one of her sister States an aggression upon her own; but rather than submit to a violation of their constitutional rights, they will, if necessary, single handed and alone, again unfurl the banner of the Lone Star.— Yet Texas has an abiding confidence in the conservative spirit of the American people, and in the continued preservation of the Constitution and the Union.

4th. That the Governor is hereby requested to transmit a

copy of the foregoing preamble and resolution to the Governor of South Carolina, and each of the States of the Union, and to our Representatives and Senators in Congress.

A bill to amend an act to incorporate the Hermans University, approved 27th January, 1844. Read 2nd time. Amendments of the committee on Education adopted, and bill passed to 3rd reading. Rule suspended, read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Duggan, Erath, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Rains, Scarborough, Schleicher, Throckmorton, Townes, Walker and Whaley—25.

NAYS—none.

On motion the Senate adjourned untill 7 1-2 o'clock, P. M.

7 1-2 O'CLOCK, P. M.

Senate met pursuant to adjournment. —roll called—quorum present.

A bill to attach Blanco county to the 4th judicial district, and to amend an act to fix the time of holding courts therein was on motion of Mr. Duggan, taken up. Read and passed to a 3rd reading. Rule further suspended, read 3rd time and passed.

A bill amendatory of and supplemental to an act to incorporate Galveston Wharf and Cotton Press Company. Read 1st time.

On motion of Mr. Potter, rule suspended, bill read 2nd time, and passed to a 3rd reading. Rule further suspended, bill read 3rd time, and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Erath, Fall, Grimes, Guinn, Harman, Hart, Hyde, Parsons, Paschal, Pitts, Potter, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton and Walker—22.

NAYS.—none.

A bill to repeal the 2nd section of an act, approved 17th January, 1860, to authorize the Commissioner of the General Land Office, to issue patents on surveys heretofore made not in the form required by law. Read 2nd time, and ordered to be engrossed. Rule suspended, read 3rd time and passed.

A bill regulating surveys of land. Read 2nd time.

Mr. Gentry offered the following amendment :

Provided that the course of any line of a survey already made may be used as a line of a new survey. Adopted and bill ordered to be engrossed. Rule suspended, bill read 3rd time and passed.

A bill to encourage the construction of Canals in the State of Texas by donations of land. Read 3rd time and passed.

A bill to incorporate the San Antonio Literary Association.—Read 2nd time and ordered to be engrossed. Rule suspended, read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Rains, Scarborough, Schleicher, Throckmorton, Townes, Walker and Whaley—22.

NAYS—none.

A bill to revive an act to incorporate the LaGrange Collegiate Institute, approved February 14, 1852, and to change the name of said Institute to that of Ewing College. Read 2nd time and passed to a 3rd reading. Rule suspended, read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Rains, Scarborough, Schleicher, Throckmorton, Townes, Walker and Whaley—22.

NAYS—none.

Mr. Grimes, chairman of the committee on Finance, reported in lieu of House bill referred to that committee making appropriations for the support of the State government for the years 1860 and 1861, two bills the one making appropriations for support of the State government for the years 1860 and 1861; the other, a bill making appropriations to supply the deficiency in former appropriations and for other purposes.

On motion of Mr. Hart, the report was taken up, and substitutes adopted :

A bill making appropriations for support State of government for years 1860 and 1861. Read 2nd time.

Mr. Hart offered the following amendment : Amend by striking out all in relation to the Geological Bureau. Lost. Rule suspended, bill read 3rd time and passed.

A bill making appropriations to supply deficiency in former appropriations and for other purposes. Read 2nd time.

Mr. Hart offered the following amendments :

Strike out as follows : W. A. Pitts, for services as clerk of board of school commissioners from 17, March to 17 December, A. D., 1859, \$225 00. Robert Barr, secretary of board of school commissioners from 21st March, 1857, to 16th of August, 1858, \$471 67. For sundry services, 50 00—521 67. To E. B. Scarborough, for balance on printing laws in Spanish \$127 60. Lost.



Mr. Britton offered the following amendment: \$40,000 or so much as is necessary to pay the volunteers engaged in the defence of the Rio Grande frontier who shall be paid under such regulations as to the proof of their services as may be established by the Comptroller.

Mr. Throckmorton offered the following as a substitute for the amendment: and \$40,000 to pay for the services and subsistence of troops received into the service of the State on the Rio Grande in the late Cortina's war or so much thereof as may be necessary. Adopted by the following vote:

YEAS—Messrs. Blanch, Chambers, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Hyde, Parsons, Paschal, Pitts, Potter, Rains, Rainey, Scarborough, Schleicher, Sims, Throckmorton, Townes and Walker—21.

NAYS—Messrs. Britton, Duggan, Herbert, Shepard and Stockdale—5.

Mr. Guinn offered the following as an amendment to the substitute:

Provided such troops are not paid by the United States in twelve months from date. Lost.

The question was then put on the adoption of the substitute as an amendment to the bill and was carried by the following vote:

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Gentry, Grimes, Harman, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—24.

NAYS—Messrs. Fall, Guinn, Hart, Rainey and Sims—5.

Mr. Grimes offered the following amendment: \$1000 for James Willie and Malcolm D. Graham, for services rendered in two Empresario cases brought in the name of Robert Rose against the State during their terms of office as Attorney General.

Mr. Hart moved to lay the amendment on the table. Carried.

Mr. Hart offered the following amendment:

Provided that this appropriation shall only be drawn after the ordinary expenses of the government have been paid. Lost.

The bill was then ordered to be engrossed. Rule suspended on motion, bill read 3rd time and passed by the following vote:

YEAS—Messrs. Blanch, Britton, Chambers, Duggan, Erath, Gentry, Grimes, Harman, Herbert, Parsons, Paschal, Pitts, Potter, Rains, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Whaley—22.

NAYS—Messrs. Fall, Guinn, Hart, Sims and Walker—5.

A bill donating one league of land each to Dennis Mead, Richard Mead and — Eastland.

The question on the appeal taken from the decision of the President being put was carried by the following vote:

YEAS—Messrs. Blanch, Britton, Chambers, Erath, Gentry, Herbert, Hyde, Paschal, Potter, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Walker—18.

NAYS—Messrs. Dickinson, Duggan, Guinn, Hart, Parsons, Pitts, Sims and Whaley—8.

On motion of Mr. Duggan, a bill to change the times of holding courts in the second judicial district, and to require the clerks therein to apportion the dockets of their respective counties: Read 2nd time.

Mr. Duggan offered the following amendment:

In section 1, after the word "in" 5th line, insert Guadalupe county on the 1st Monday of March and September of each year and may continue in session three weeks.

In Hays county on the 3rd Monday after the 1st Monday in March and September of each year and may continue in session one week.

In Travis county on the 4th Monday of March and September of each year and may continue in session six weeks.

In Bastrop county on the tenth Monday after the first Monday in March and September of each year and may continue in session four weeks.

In Caldwell county on the fourteenth Monday after the first Mondays in March and September of each year and may continue in session two weeks. Adopted and bill passed to a 3rd reading. Rule suspended, read 3rd time and passed.

On motion of Mr. Gentry a bill to incorporate the Texas, New Orleans and Northern Express Company, was taken up. Read 2nd time. Rule suspended, read 3rd time and passed by the following vote:

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Rains, Scarborough, Schleicher, Throckmorton, Townes, Walker and Whaley—23.

NAYS—none.

Mr. Hart offered the following resolution:

*Resolved by the Senate,* That the Secretary is authorized and required to issue to E. B. Scarborough, a certificate for his per diem pay as a member of the Senate from the commencement of the session. Adopted.

A message was received, that the House had passed the following bills :

A bill to change the time of holding the district courts of the ninth judicial district.

A bill concerning Factors and Commission Merchants.

A bill to incorporate the Bright Star Educational Company.

A bill to change the time of holding courts in the 2nd judicial district, and to require the clerks therein to apportion the dockets of their respective counties.

And the House concurs in Senate's amendments to House's bill to amend 4th, 8th, 15th and 18th sections of an act to provide for assessment and collection of taxes.

And bill to amend an act to incorporate Herman University, approved January 27th, 1844.

And refuse to concur in Senate's amendments to House's bill to change the times of holding courts in the 2nd judicial district and require clerks therein to apportion the dockets of their respective courts.

On motion of Mr. Pitts, a bill to incorporate the Sour Lake Tap Railway Company, was taken up, rule suspended, read and laid on the table, till to-morrow.

On motion of Mr. Gentry, a bill to authorize the county surveyor of Grayson county, to transcribe certain books of record in his county. Read 1st time, rule suspended, read 2nd time and passed to a 3rd reading. Rule further suspended, bill read 3rd time and passed.

On motion of Mr. Townes, a bill for the relief of the legal representatives of Calvin Gage, was taken up. Read 2nd time, and passed to a 3rd reading. Rule suspended, bill read 3rd time and passed.

On motion of Mr. Schleicher, a bill for the relief of Martiana Vega Delgado, was taken up. Read 2nd time, and passed to a 3rd reading. Rule suspended, read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Erath, Gentry, Grimes, Herbert, Hyde, Parsons, Paschal, Pitts, Schleicher, Shepard, Stockdale, Throckmorton and Townes—15.

NAYS—Messrs. Chambers, Guinn, Hart, Potter, Rains, Rainey, Sims, Walker and Whaley—9.

Mr. Townes, from the committee on Public Grounds and Public Buildings, reported a bill making an appropriation for completing the present buildings, for erecting out houses, for enclosing grounds, and for the organization, support and main-

tenance of the Lunatic Asylum for the years 1860 and 1861, back to the Senate and recommended its passage.

On motion of Mr. Potter, the bill was taken up. Read 2nd time

Mr. Hart moved to strike out 50,000, and insert 15,000, which was lost by the following vote :

YEAS—Messrs. Guinn, Hart, Sims—3.

NAYS—Messrs. Blanch, Britton, Chambers, Dickinson, Erath, Gentry, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Rainey, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—20.

Mr. Guinn moved to strike out \$50,000 and insert \$25,000.

Mr. Schleicher called for a division of the question.

The question on striking out was put and lost by the following vote :

YEAS—Messrs. Guinn, Hart and Sims—3.

NAYS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Gentry, Herbert, Hyde, Parsons, Pitts, Paschal, Potter, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Whaley—21.

The bill was then passed to a 3rd reading. Rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Gentry, Herbert, Hyde, Parsons, Paschal, Pitts, Potter, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Whaley—20.

NAYS—Messrs. Erath, Guinn, Hart, Rains and Sims—5.

A bill authorizing the county surveyor of Denton county, to transcribe the records of said county from the records of the late Denton land district. Read 1st time, rule suspended, read 2nd time and passed to a 3rd reading. Rule further suspended, read 3rd time and passed.

On motion the Senate adjourned until 10 o'clock, A. M., tomorrow.

FRIDAY, February 10th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to repeal the second section of an act approved January